

PROFESSIONAL LICENSURE DIVISION[645]

Adopted and Filed

Rule making related to licensure

The Board of Sign Language Interpreters and Transliterators hereby amends Chapter 361, “Licensure of Sign Language Interpreters and Transliterators,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 147.76, 154E.2 and 272C.2.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 154E.2.

Purpose and Summary

These amendments add videoconferencing and remote services in the definition of interpreter or transliterator services, update the requirements for licensure to include submission of online applications and online payment, clarify that official documentation of passing an approved examination or of current certification of an accepted certification is required for licensure, and add an advanced certification awarded by the Board for Evaluation of Interpreters to the certifications accepted for licensure. License reactivation requirements will be expanded to include current verification of competence based on passing an examination or presenting current certification. These amendments also add requirements for temporary licensure, including passing one of the accepted examinations or successful completion of an interpreter training program from a regionally accredited college or university, and submission of a written supervisory agreement with the application for a temporary license.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on August 11, 2021, as **ARC 5821C**. A public hearing was held on August 31, 2021, at 10 a.m. in the Fifth Floor Board Conference Room 526, Lucas State Office Building, Des Moines, Iowa.

The comments received regarding the rule making were all positive. The comments were particularly supportive of the additional requirements for temporary licensure to assure the protection of deaf consumers. The attendees at the public hearing provided written comments.

In the review of the comments regarding the requirements for a temporary license, the Board accepted the recommendations of one commenter regarding the addition of two standardized, nationally recognized examinations of American Sign Language (ASL) proficiency to the list of accepted examinations. The Board agreed to add the Sign Language Proficiency Interview (SLPI) and the American Sign Language Proficiency Interview (ASLPI). The Board also added a clarification regarding the acceptance of completion of a formal interpreter training program as qualifying for a temporary license, to clarify that the program be at the level of an associate degree or higher from a regionally accredited college or university.

Adoption of Rule Making

This rule making was adopted by the Board on October 18, 2021.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

A waiver provision is not included in this rule making because all administrative rules of the professional licensure boards in the Professional Licensure Division are subject to the waiver provisions accorded under 645—Chapter 18.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on February 16, 2022.

The following rule-making actions are adopted:

ITEM 1. Amend rule **645—361.1(154E)**, definitions of “Active interpreter or transliterator services” and “Direct supervision of a temporary license holder,” as follows:

“*Active interpreter or transliterator services*” means the actual time spent personally providing interpreting or transliterating services or providing interpreting or transliterating services through videoconferencing or remotely. When in a team interpreting situation, the time spent monitoring while the team interpreter is actively interpreting shall not be included in the time spent personally providing interpreting or transliterating services.

“*Direct supervision of a temporary license holder*” means monitoring of interpreting or transliterating services while personally observing the temporary license holder providing those services, as outlined in paragraphs ~~361.3(3)“b”~~ 361.3(4)“b” and “c.”

ITEM 2. Amend rule 645—361.2(154E) as follows:

645—361.2(154E) Requirements for licensure.

361.2(1) The following criteria shall apply to licensure:

a. The applicant shall complete a board-approved application ~~packet~~. Application forms may be obtained from the board's website (www.idph.iowa.gov/licensure) or directly from the board office. ~~All applications shall be sent to Board of Sign Language Interpreters and Transliterator, Professional Licensure Division, Fifth Floor, Lucas State Office Building, Des Moines, Iowa 50319-0075. The applicant may complete the application online at ibplicense.iowa.gov.~~

b. The applicant shall complete the application form according to the instructions contained in the application. If the application is not completed according to the instructions, the application will not be reviewed ~~by the board~~ until properly completed.

c. ~~Each application shall be accompanied by the appropriate fees payable by check or money order. The application fee shall be paid prior to issuance of license. The preferred payment method is by debit card, credit card, or check or money order made to the Board of Sign Language Interpreters and Transliterator. The fees are nonrefundable.~~

d. No application will be considered ~~by the board~~ until ~~the applicant successfully~~ official documentation is received to establish that the applicant meets one of the following requirements:

(1) Passes the National Association of the Deaf/Registry of Interpreters for the Deaf (NAD/RID) National Interpreter Certification (NIC) examination after November 30, 2011; or

(2) Passes one of the following examinations administered by the Registry of Interpreters for the Deaf (RID):

1. Oral Transliteration Certificate (OTC); or
2. Certified Deaf Interpreter (CDI); or

(3) Passes the Educational Interpreter Performance Assessment (EIPA) with a score of 3.5 or above after December 31, 1999; or

(4) Passes the Cued Language Transliterater National Certification Examination (CLTNCE) administered by The National Certifying Body for Cued Language Transliterators; or

(5) Currently holds one of the following NAD/RID certifications awarded through November 30, 2011, by the National Council on Interpreting (NCI):

1. National Interpreter Certification (NIC); or
2. National Interpreter Certification Advanced (NIC Advanced); or
3. National Interpreter Certification Master (NIC Master); or

(6) Currently holds one of the following certifications previously awarded by the RID:

1. Certificate of Interpretation (CI); or
2. Certificate of Transliteration (CT); or
3. Certificate of Interpretation and Certificate of Transliteration (CI and CT); or
4. Interpretation Certificate/Transliteration Certificate (IC/TC); or
5. Comprehensive Skills Certificate (CSC); or

(7) Currently holds one of the following certifications previously awarded by the National Association of the Deaf (NAD):

1. NAD III (Generalist); or
2. NAD IV (Advanced); or
3. NAD V (Master); or

(8) Currently holds an advanced certification awarded by the Board for Evaluation of Interpreters (BEI).

e. It is the responsibility of the applicant to make arrangements to take the examination and have the official results submitted directly to the Board of Sign Language Interpreters and Transliterators.

361.2(2) Licensees who were issued their licenses within six months prior to the renewal shall not be required to renew their licenses until the renewal cycle two years later.

361.2(3) Incomplete applications that have been on file in the board office for more than two years shall be considered invalid and shall be destroyed.

361.2(4) An applicant who has relocated to Iowa from a state that did not require licensure to practice the profession may submit proof of work experience in lieu of educational and training requirements, if eligible, in accordance with rule 645—19.2(272C).

ITEM 3. Amend rule 645—361.3(154E) as follows:

645—361.3(154E) Requirements for temporary license.

361.3(1) ~~An applicant for licensure who has not successfully completed one of the board-approved examinations or does not hold an approved certification set forth in paragraph 361.2(1)“d” but has complied with all other requirements in paragraphs 361.2(1)“a” to “e” shall be issued a temporary license to practice interpreting that shall be valid for two years from initial issue date. A temporary license holder may renew a temporary license once for the immediately following two-year period. and submits the online application and fee for a temporary license shall cause documentation to be submitted from the examination program to the board that verifies the applicant has passed one of the following:~~

- a. The written portion of the Registry of Interpreters for the Deaf (RID) examination;
- b. The written portion of the Board for Evaluation of Interpreters (BEI) examination;
- c. The written portion of the Educational Interpreter Performance Assessment (EIPA) examination;

examination;

d. The EIPA prehire examination at the highest recommended level;

e. An associate degree or higher from a formal interpreter training program (ITP) with a regionally accredited college or university. An official transcript shall verify completion;

f. The American Sign Language Proficiency Interview (ASLPI) at the 2+ level or higher; or

g. The Sign Language Proficiency Interview (SLPI) at the intermediate level or higher.

361.3(2) An applicant for a temporary license shall submit a written supervisory agreement that complies with the requirements stated in subrule 361.3(4). The temporary license shall be valid for two years from the initial issue date. A temporary license holder may renew a temporary license once for the immediately following two-year period.

~~**361.3(2)**~~ **361.3(3)** An applicant who is issued a temporary license is subject to the same requirements as those required of a licensed interpreter or transliterator set forth in Iowa Code chapters 154E and 147 and 645—Chapters 361 to 363.

~~**361.3(3)**~~ **361.3(4)** A temporary license holder is only authorized to practice if the following direct supervision requirements are fulfilled. A temporary license holder must:

a. Enter into a written agreement with a supervisor in which the temporary license holder and the supervisor agree to the minimum requirements provided in paragraphs ~~361.3(3) “b”~~ 361.3(4) “b” and “c.” The supervisor shall possess a full, unrestricted sign language interpreter and transliterator license. The agreement shall be signed and dated by the temporary license holder and the supervisor; shall include the temporary license holder’s and supervisor’s names, addresses and contact information; and shall be provided to the board ~~upon request~~ with the application for a temporary license.

b. Have a supervisor observe the temporary license holder in active practice for no fewer than six bimonthly observation sessions per year at events lasting at least 30 minutes each, if the temporary license holder is working alone in providing active interpreter or transliterator services, or at least 60 minutes each, if the temporary license holder is working in a team interpreting situation. At least two of the observation sessions must be in person, and the remainder of the observation sessions may be performed through technology that allows direct observation of the temporary license holder providing active interpreter or transliterator services.

c. Attend at least six bimonthly advisory sessions with the supervisor per year for the purpose of discussing the supervisor’s suggestions for the temporary license holder’s professional skill development based on the observation sessions. An advisory session may occur immediately following an observation session if the setting is appropriate. At least two of the advisory sessions must be in person and the remainder of the advisory sessions may be performed through technology that allows real-time assessment and feedback. Each advisory session shall involve only the temporary license holder and supervisor.

d. Maintain an event log documenting the date, time, length and setting of each observation session and advisory session and whether the session was performed in person or through other technological means. The temporary license holder shall ensure that the supervisor verifies the occurrence of the observation session or advisory session by placing the temporary license holder’s signature on the log prior to submission to the supervisor. This event log shall be provided to the board upon request and must be submitted with the temporary license holder’s renewal application.

e. Ensure that the supervisor attends each of the observation sessions and advisory sessions or reschedules the sessions as necessary to ensure compliance.

f. Comply with the required observation session and advisory session obligations. If for any reason the replacement of a supervisor becomes necessary, the temporary license holder shall be responsible for developing a new written agreement with the new supervisor. A replacement of supervisors shall not excuse noncompliance with observation session and advisory session obligations.

g. Obtain permission from clients as necessary to allow the supervisor to be in attendance during the observation sessions.

~~**361.3(4)**~~ **361.3(5)** As an Iowa-licensed practitioner in accordance with this chapter, a supervisor providing direct supervision of a temporary license holder as provided in subrule ~~361.3(3)~~ 361.3(4) is obligated to report to the board an interpreter or transliterator temporary license holder who is not complying with direct supervision requirements or who is not practicing in compliance with Iowa law and rules including, but not limited to, Iowa Code chapter 154E and 645—Chapters 361 to 363.

ITEM 4. Amend rule 645—361.9(17A,147,272C) as follows:

645—361.9(17A,147,272C) License reactivation. To apply for reactivation of an inactive license, a licensee shall:

361.9(1) Submit a reactivation application on a form provided by the board.

361.9(2) Pay the reactivation fee that is due as specified in 645—subrule 5.18(9).

361.9(3) Provide verification of current competence to practice sign language interpreting or transliterating by satisfying one of the following criteria:

a. If the license has been on inactive status for five years or less, an applicant must provide the following:

(1) Verification of the license(s) from every jurisdiction in which the applicant is or has been licensed and is or has been practicing during the time period in which the Iowa license was inactive sent directly from the jurisdiction(s) to the board office. Web-based verification may be substituted for verification from a jurisdiction's board office if the verification includes:

1. The licensee's name;
2. The date of initial licensure;
3. Current licensure status; and
4. Any disciplinary action taken against the license; and

(2) Verification of completing 40 hours of continuing education within two years of the application for reactivation; and

(3) Verification of a current certification as identified in subrule 361.2(1), or of passing an examination identified in subrule 361.2(1), which was passed after the license became inactive.

b. If the license has been on inactive status for more than five years, an applicant must provide the following:

(1) Verification of the license(s) from every jurisdiction in which the applicant is or has been licensed and is or has been practicing during the time period in which the Iowa license was inactive sent directly from the jurisdiction(s) to the board office. Web-based verification may be substituted for verification from a jurisdiction's board office if the verification includes:

1. The licensee's name;
2. The date of initial licensure;
3. Current licensure status; and
4. Any disciplinary action taken against the license; and

(2) Verification of completion of 80 hours of continuing education within two years of application for reactivation; and

(3) Verification of a current certification as identified in subrule 361.2(1), or of passing an examination identified in subrule 361.2(1), which was passed after the license became inactive.

[Filed 12/21/21, effective 2/16/22]

[Published 1/12/22]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 1/12/22.